

JAP:RMT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960(b)(1)(A))

NELSON SILVESTRE BERROA,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

SEAN GABAY, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, on or about April 15, 2010, within the Eastern District of New York and elsewhere, defendant NELSON SILVESTRE BERROA did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960(b)(1)(A)).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about April 15, 2009, defendant NELSON SILVESTRE BERROA arrived at John F. Kennedy International Airport in Queens, New York, aboard Jet Blue Flight 820 from Santo Domingo, Dominican Republic.

2. Defendant NELSON SILVESTRE BERROA was selected for a Customs and Border Protection ("CBP") examination. The defendant presented two bags, a computer bag and a roller bag, to CBP officers. While examining the contents of the roller bag, the officers noticed a pair of unusually heavy sneakers with glue around the soles. The officer then looked inside the sneaker and noted plastic wrap that, when probed, revealed a brownish powdery substance. The officers subsequently found two additional pairs of sneakers in the roller bag, bearing the same characteristics as the first pair of sneakers and also containing a brownish powdery substance that field-tested positive for heroin. Defendant NELSON SILVESTRE BERROA was then placed under arrest.

3. The total approximate gross weight of the heroin recovered was 1518.4 grams.

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

WHEREFORE, your deponent respectfully requests that
defendant NELSON SILVESTRE BERROA be dealt with according to law.

SEAN GABAY
Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me this
15th day of April, 2010

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK